

## Statement

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### **Rule of law II:**

**Democratic lawmaking;**

**Independence of the judiciary;**

**Right to a fair trial**

Uzbekistan shows in several key dimensions of protecting human rights and freedoms an example to many nations of the world. Thus, as an act of high humanity was the abolition of death penalty in our country since January 2008. In law enforcement practices introduced the democratic institutions of “Habeas Corpus”, the Miranda rights and the institution of reconciliation. Gradually implemented humanization and decriminalization of the criminal and criminal procedural legislation, adopted other measures on further liberalization of the judicial sphere.

Worldwide affirmed a firm awareness of a fact that modern, functioning and efficiently operating judicial and executive powers are essential for the economic prosperity of any country, as a basic condition for creation of social justice and an important contribution to the stable political situation.

Reform of the judicial and legal system in general and the system of judicial proceedings in particular, as a major component in the reliable protection of human rights and freedoms, law enforcement and as a consequence the deepening of democratic reforms, allowed to form a modern and sustainable legislation governing judicial sector.

Issues of ensuring a genuine independence and autonomy of the courts, i.e. the principles enshrined in the Constitution of the country, of transformation of the courts from instrument of repression and punitive apparatus in the past into an authentic independent institution enforcing the law. These issues are among the priorities of the government policy in the judicial sphere.

Evidence of a high attention of the government to this issue is in the fact that during the last two years were adopted the Decrees of the President of the Republic of Uzbekistan “On measures to radically improve the social protection of the judiciary staff”, “On measures to further improve operation of the courts”, “On measures to improve and enhance the effectiveness of district and municipal courts of general jurisdiction”, as well as the Orders of the President of the Republic of Uzbekistan “On improvement of the activities of the High Qualification Commission for selection and recommendation of judges under the President of the

Republic of Uzbekistan”, which marked the important steps contributing to effectiveness of the judicial system of the country and which directly related to the maintenance of its independence.

Taking into account that independence of judges cannot be achieved without adequate material compensation, measures were taken in the above-mentioned legal acts to improve the material and social security of the court employees.

Given the understanding of a fact that the position of a judge imposes special requirements on candidates for this distinguished position, completely have been revised the requirements and approaches to formation of a personnel reserve of judges, raised the minimum age requirement, and also increased the professional experience for candidates. In addition, to those newly appointed persons to the post of judge was introduced a mandatory training in the district, regional and Supreme Court and then at the Lawyers Training Centre at the Ministry of Justice.

I would especially like to emphasize that in accordance with the articles 4 and 66 of the Law of the Republic of Uzbekistan “On Courts” the judiciary is independent from the legislative and executive branches of power, political parties and other public associations, and judges may not be members of political parties, participate in political movements, as well as be engaged in any other paid activities, except for research and teaching.

This restriction is also a guarantee of independence of the judiciary, and in this case, from the influence of political parties on a particular judgment.

In a free and democratic society, the last instance, to which the individual turns in search for justice, is the court, and for a just solution to contentious issue is necessary a high level of knowledge and relevant experience. It is a deep understanding of these circumstances that lays in the basis of the ongoing reforms in the judicial and legal sphere, particularly in the area of judicial independence.

Cancellation of decisions of public authorities by a court at the request of citizens and the presence of a legitimate reason for above is the best indicator of the rule of law and the independence of judiciary.

Analysis of court statistics shows that during the first half of 2014 of the 4,287 claims of citizens to the decisions of public authorities, and actions and decisions of officials 3,756 statements or 87.6% of the total volume were granted by the courts. For comparison, in the first half of 2013 were granted 1,412 (77.6%) of total 1,819 applications, in the first half of 2012 - 710 (72.9%) out of 974 applications, and in the first half of 2011 - 563 (75.2%) of 749 applications.

Statistics shows that grows not only the number of cancellations of public decisions, but the number of citizens’ applications to court for a fair resolution of a dispute.

This trend shows that, firstly, the courts become truly independent, real and independent branch of power that makes decisions exclusively on the basis of law, and, secondly, citizens became more confident in the courts and seek justice through appeal to the court.

As to the issues that fall within the competence of the courts on criminal cases, it is necessary to note the following.

Introduction of the reconciliation institute as a form of implementation of a fair trial was a positive factor. As a result of applying this institution, which corresponds to the centuries-old traditions of the Uzbek nation, during this period 155,615 citizens were exempted from criminal liability, and regarding 143,466 criminal cases restored the rights of victims.

Consequent expansion of the institution increases the opportunity of thousands of people to exempt from criminal liability.

As a further development of this institution in our country was the introduction in the Criminal Procedural Code of amendments aimed at a transfer to the courts of a right to dismiss the person from position, as well as the right to place a person to medical facility, which came in force in 2012.

Speaking about the person's right to a fair trial we would like to emphasize that, in accordance with the Criminal Procedural Code of the Republic of Uzbekistan, the person concerned may initiate the appeal or cassation and review proceeding on decision by a court of first instance. That is, the person disagreeing with the verdict has several possibilities for realization of his right to a fair trial.

It should be noted that the Criminal Code of the Republic of Uzbekistan provides for a criminal liability for interfering with the investigation or resolution of the court cases. Statistics shows that this article is not included in the list of so-called "dead papers". This article is used and that is a further guarantee of the independence of the judiciary. For example, only in 2012, regarding the Article 236 of the Criminal Code were reviewed two criminal cases against two persons, and in the first half of 2014 - one criminal case against one person.